

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**RAMON VILLANUEVA-BAZALDUA**  
individually and on behalf of others similarly  
situated,

**Plaintiff**

**CA 1:06-cv-00185-GMS**

**Class Action**

**v.**

**TRUGREEN LIMITED PARTNERS and  
TRUGREEN, INC.**

**Defendants.**

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**PLAINTIFF'S MOTION FOR RECONSIDERATION  
OF MOTION TO CONDITIONALLY CERTIFY AN  
FLSA COLLECTIVE ACTION  
OR ALTERNATIVELY  
AMENDED MOTION FOR CONDITIONAL CERTIFICATION**

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Cambridge, Mass 02140  
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**ATTORNEYS FOR PLAINTIFF**

Now comes Plaintiff Ramon Villanueva and moves this Court, pursuant to Local Rule 7.1.5, to reconsider its Order of March 19, 2007 (D.I. 44) denying Plaintiff's motion to conditionally certify this as an FLSA collective action. Alternatively, as this motion relies on discovery not

available to Plaintiff at the time of his original motion, Plaintiff requests the Court to consider this as an Amended Motion for Conditional Certification of an FLSA class. In support of this motion Plaintiff would show the Court as follows:

In support of this motion, Plaintiff would refer the Court to his Brief In Support filed herewith and to the documents in the Appendix to this motion.

Respectfully submitted,

/s/ Vivian L. Rapposelli  
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on this 29<sup>th</sup> day of March 2006, I served the foregoing document on Defendants by mailing by e-mailing it to the Defendant's attorneys as follows:

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/s/ Edward Tuddenham  
Edward Tuddenham

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ORDER

CAME ON to be heard Plaintiff's motion for reconsideration of the Court's Order of March 19, 2007 (DI 44) or, alternatively, amended motion for conditional certification of an FLSA class. The court, having considered the motion, the record in this case, and the arguments of counsel, is of the opinion that the motion should be granted. It is, therefore,

ORDERED that Plaintiff's Amended Motion for Conditional Certification of an FLSA Class is hereby GRANTED. Defendants are ordered to provide counsel for Plaintiffs the information regarding the class requested in Plaintiff's original motion for conditional certification (DI 14) and Plaintiff shall issue the notice appended to his original motion with 14 days of the receipt of the names and addresses of the class members. The members of the class shall have 180 days to file their opt-in forms.

Done this \_\_\_\_ day of \_\_\_\_\_, 2007.

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GREGORY M. SLEET  
UNITED STATES DISTRICT JUDGE